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PATENT  
Customer No. 22,428  
Attorney Docket No. 080618-0237

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John P. Cooke et al.

Title: Enhancement of Vascular Function by Modulation of Endogenous Nitric Oxide Production or Activity

Appln. No.: 10/618,835

Filing Date: 07/15/2003

Examiner: J. Russel

Art Unit: 1654

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted are the following items:

Information Disclosure Statement Under 37 C.F.R. § 1.97 (b) (3 pages);

Form PTO/SB/08 (1 page);

- 4,900,566 – Howard – 02/13/1990, (10 pgs.)
- 5,106,836 – Clemens et al. – 04/21/1992, (7 pgs.)
- EP 0511587 A1 – Takeda Chemical Industries Ltd. – 11/04/1992, (13 pgs.)
- JP 60094075A, Ajinomoto KK, Dialog Japanese Abstract, (1 pg.)
- JP 61254162A, Kamehiko Mogi, Dialog Japanese Abstract, (1 pg.)
- JP 59210872A, Ajinomoto KK, Dialog Japanese Abstract, (1 pg.)
- JP 61215323A, Otsuka Phar. Co., Dialog Japanese Abstract, (1 pg.)
- JP 60049764A, Ajinomoto KK, Dialog Japanese Abstract, (1 pg.)
- European Search Report dated 07/31/2003 for EP Application No. 107776.2, (4 pgs.)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 05-19-2004

FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By Sean A. Passino (45,943) FOR  
SEAN A. PASSINO  
Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264

**Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.**



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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Under 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the Examiner's attention the documents on the attached form PTO/SB/08 and an Official European Communication from a counterpart application concerning one of the earlier filed applications from which the present application claims the benefit. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached and submitted with the European Office action in EP 107776.2 dated 07-31-2003 (4 pages) on which they were cited. European application no. 107776.2 is a divisional application of European application no. 94918203, which is the national phase of International Application No.

PCT/US94/06203, filed 06-02-1994, an application that claims priority to U.S. Application No. 08/076,312, filed 06-11-1993, now U.S. Pat. No. 5,428,070 and U.S. Application No. 08/184,519, filed 01-21-1994, now abandoned. The '312 application is part of the present application's family, as shown by the underlined portion of the family chain, which is reproduced here: This application is a continuation of Application No. 10/060,252, filed 02-01-2002, now U.S. Pat. No. 6,646,006, which application is a continuation of Application No. 09/930,833, filed 08-15-2001, now U.S. Pat. No. 6,642,208, which application is a continuation of Application No. 09/075,509, filed 05-08-1998, now U.S. Pat. no. 6,337,321, which application is a continuation of Application No. 08/556,035, filed 11-09-1995, now U.S. Pat. No. 5,891,459, which application is a continuation-in-part of Application No. 08/336,159, filed 11-08-1994, now abandoned, which application is a continuation-in-part of Application No. 08/076,312, filed 06-11-1993, now U.S. Pat. No. 5,428,070.

All of the documents being submitted are in English.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents are not "prior art" under United States law, then Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

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Appln. No. 10/618,835

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP § 609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 05-19-2004

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Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By Stephen B. Maebius (45943)  
SEAN A. PASSINO, R.D.  
Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTDate Submitted: May 19, 2004  
(use as many sheets as necessary)

## Complete if Known

MAY 19 2004  
PATENT & TRADEMARK OFFICE

Application Number	10/618,835
Filing Date	7/15/2003
First Named Inventor	John P. Cooke
Group Art Unit	1654
Examiner Name	J. Russel

Sheet

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of

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Attorney Docket Number

080618-0237

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
F1	4,900,566			Howard	2/13/1990	
F2	5,106,836			Clemens et al.	4/21/1992	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
F3	EP	0511587	A1		Takeda Chemical Industries, Ltd.	11/04/1992		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	F4	JP60094075A, AJINOMOTO KK; Dialog Japanese Abstract (1 pg.)	
	F5	JP61254162A, KAMEHIKO MOGI, Dialog Japanese Abstract (1 pg.)	
	F6	JP59210872A, AJINOMOTO KK, Dialog Japanese Abstract (1 pg.)	
	F7	JP61215323A, OTSUKA PHARM CO., Dialog Japanese Abstract (1 pg.)	
	F8	JP60049764A, AJINOMOTO KK, Dialog Japanese Abstract (1 pg.)	
	F9	European Search Report dated 7/31/03 for EP Application No. 107776.2	

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.